

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Orlando Darnell TOLBERT

Case: 2:22-mj-30133

Assigned To : Unassigned

Assign. Date : 3/15/2022

Case No.

Description: RE: SEALED MATTER
(EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 9 and 11, 2021 and March 12, 2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

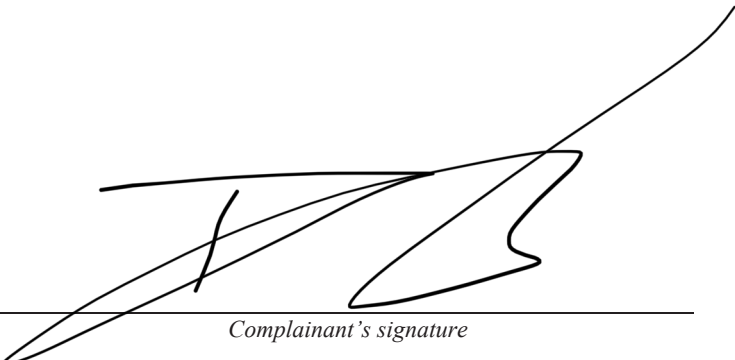
18 U.S.C. § 922(g)(1)

Felon in possession of a firearm.

21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii),
and 18 U.S.C. § 2Distribution of controlled substances;
aiding and abetting.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: March 15, 2022City and state: Detroit, MI
Complainant's signatureDaniel Bowling, Special Agent, ATF
Printed name and title
Judge's signatureHon. David R. Grand, United States Magistrate Judge
Printed name and title

**AFFIDAVIT OF SPECIAL AGENT DANIEL BOWLING IN SUPPORT
OF AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, DANIEL BOWLING, a Special Agent (“SA”) with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), being duly sworn, hereby declare and state:

I. PURPOSE OF THE AFFIDAVIT

1. I am a SA with the ATF. I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C § 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in 21 U.S.C. § 801, et. seq. and 18 U.S.C. § 2516.

2. The facts set forth in this Affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the issuance of the requested criminal complaint and arrest warrant. Thus, this Affidavit does not set forth all of my knowledge of this investigation.

3. Based on the facts set forth in this Affidavit, there is probable cause to believe that on or about February 9, 2021 and February 11, 2021, in Detroit, Michigan, Orlando Darnell TOLBERT, knowing that he was previously convicted

of a crime punishable by more than one year of imprisonment, possessed firearms, in violation of Title 18, United States Code, Section 922(g)(1). There is further probable cause to believe that on or about March 12, 2021, Orlando Darnell TOLBERT, in Detroit, Michigan, aided and abetted the distribution of over 50 grams of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and 18 U.S.C. § 2.

II. AFFIANT BACKGROUND AND EXPERIENCE

4. I have been employed by the ATF since July 26, 2015. I completed SA Basic Training and Criminal Investigative Training at the Federal Law Enforcement Training Center. I was previously employed as a Police Officer with the Metropolitan Nashville Police Department in Nashville, Tennessee from March of 2008 through May of 2015. During my time there, I was assigned to the Gang Unit from August of 2012 until May of 2015. My duties included, but were not limited to, conducting controlled purchases of narcotics through utilization of confidential informants, obtaining and executing search warrants on persons, residences, and vehicles, debriefing confidential informants, interviewing witnesses, and proffering defendants. In addition, I analyzed toll records and led investigations that resulted in the interception of wired communications. I have testified in both state and the federal court proceedings. Through my training and

experience, I have become familiar with the characteristics of methamphetamine and how it looks in crystalized form, as well as the slang and coded language that drug trafficker use when discussing drugs and drug transactions.

III. PROBABLE CAUSE

5. Probable cause has been established from records, reports, surveillance, and information provided by an ATF Undercover Agent (“UC”) and other sworn federal and state law enforcement officers. The following information summarizes the events that establish probable cause for the requested criminal complaint and arrest warrant and do not encapsulate the criminal investigation.

6. In February 2021, as part of an ATF investigation into incidents of firearms trafficking, agents identified Orlando Darnell TOLBERT (“TOLBERT”) as an individual who is unlawfully selling firearms in and around Detroit, Michigan. ATF Agents obtained a possible telephone number for TOLBERT. I searched this telephone number in a database and found a possible subscriber of the telephone number to be Orlando TOLBERT, with an address in East Detroit, Michigan.

7. ATF Intelligence Research Specialist (“IRS”) Justin Borst utilized law enforcement databases and found an individual by the name of Orlando TOLBERT with a criminal history record in Michigan and North Carolina. ATF IRS Borst provided me a set of criminal booking photos of TOLBERT. I utilized the

information and obtained a Michigan State Police (“MSP”) image system record photo of TOLBERT.

February 8, 2021 Controlled Firearm Purchase

8. On February 8, 2021, the UC contacted TOLBERT at the cellular telephone number described in Paragraph 6 of this affidavit and spoke to him over the telephone. TOLBERT agreed to meet the UC the following day and sell him a pistol for \$650.

9. On February 9, 2021, the UC conducted a controlled purchase from TOLBERT in the parking lot area of D’s Dollar Store Too in Detroit, Michigan. The purchase was audio and video recorded.

10. Specifically, that afternoon, TOLBERT met the UC in the parking lot of the dollar store and entered the ATF UC’s vehicle. TOLBERT greeted the UC and informed the UC that the unidentified source with the .45 caliber handgun did not have the firearm available for sale, but TOLBERT had a separate firearm that the UC could purchase, and pointed towards his own waistband. At that time, TOLBERT retrieved a Ruger P85 9mm handgun from his left waistband and showed it to the ATF UC. The UC then purchased the firearm from TOLBERT for \$650. TOLBERT agreed to contact the UC when he had additional firearms for sale.

11. The firearm that TOLBERT sold the UC was a Ruger P85 Mark II, 9mm semi-automatic pistol (Serial Number: 303-87127), loaded with 19 rounds of assorted 9mm ammunition. I later determined that the firearm was reported stolen in 2015.

12. During the sale, the UC visually identified TOLBERT based on the law enforcement photos of TOLBERT that the UC previously viewed. Additionally, the UC communicated with TOLBERT on his cellular telephone number immediately prior to the sale.

February 9, 2021 Controlled Firearms Purchase

13. Later on February 9, 2021, TOLBERT contacted the UC via cellular phone and stated that he had two more pistols available for sale and wanted to sell them quickly. TOLBERT stated that he had a .45 caliber pistol and a Smith & Wesson M&P 9 Shield available. The UC told TOLBERT that he was busy but would let TOLBERT know when he was available to meet up again.

14. On February 10, 2021, the UC and TOLBERT agreed to meet in the morning on February 11, 2021 to conduct the sale. TOLBERT stated that both pistols would cost \$1,250.

15. The morning of February 11, 2021, the UC met with TOLBERT at a residence on Labelle St. in Highland Park, Michigan. TOLBERT entered the passenger side of the ATF UC's vehicle and then produced one of the two

previously mentioned pistols and sold it to the UC for \$750. The first pistol was a loaded Smith & Wesson M&P 9 Shield, 9mm caliber, semi-automatic pistol (Serial Number: JDB2615), with eight rounds of 9mm caliber ammunition. During the transaction, TOLBERT stated that he had to go to a nearby location to retrieve the second pistol. The UC told TOLBERT that he would wait at the current location for TOLBERT to come back with the second pistol. TOLBERT left the area in his vehicle and returned a short time later. TOLBERT then reentered the ATF UC's vehicle with the second pistol. TOLBERT produced a .45 caliber semi-automatic pistol and sold it to the UC for \$550. The pistol was a D.G.F.M. (F.M.A.P.) Sistema Colt Model 1927 semi-automatic .45 caliber pistol, with a faded dark finish on the pistol slide (upper) (Serial Number: 48906) loaded with one round of Winchester .45 caliber ammunition.

March 12, 2021 Controlled Narcotics Purchase

18. On Friday, March 12, 2021, the UC conducted a controlled purchase from TOLBERT wherein TOLBERT facilitated the purchase of approximately one (1) pound of methamphetamine from a source of supply of narcotics (the "SOS"). The source of supply is a real person whose identity I know. This transaction was facilitated by TOLBERT and another individual, a real person whose identity I know (hereinafter referred to as "Associate #1"). The transaction occurred in the parking lot of the Dynasty Plaza Liquor located at 8910 Puritan St, Detroit,

Michigan. The UC followed TOLBERT and Associate #1 to the deal location. Once the parties arrived, TOLBERT and the UC engaged in conversation. After a brief wait, the UC, TOLBERT, and Associate #1 walked over to a black Jeep Grand Cherokee SUV that was parked in the parking lot and contacted the SOS, who was the front seat passenger in the Jeep. During the interaction, the UC greeted the SOS. The UC observed the SOS retrieve a black plastic baggie from the center console area and display it for the ATF UC. The SOS retrieved a clear bag from inside the black bag. Inside this bag was a large amount of crystal-like substance consistent with methamphetamine. The UC then handed the SOS \$3800. The SOS then handed the suspected methamphetamine to Associate #1, who then handed it to the UC. The UC returned to his undercover vehicle. The UC gave TOLBERT \$100 for facilitating the transaction.

16. The suspected methamphetamine was tested at the Drug Enforcement Administration laboratory. The results indicate that the suspected methamphetamine was Methamphetamine Hydrochloride, a Schedule II controlled substance, and weighed approximately 379.9 grams with a 99% purity level

17. An ATF Interstate Firearms Nexus Agent examined all three firearms discussed in this affidavit. After examining the firearms, I determined that all three firearms were manufactured outside the State of Michigan, and in order to be recovered in Michigan, they must have travelled in interstate and/or foreign

commerce. Specifically, the Ruger, Model P85 MKII, 9mm caliber, semi-automatic pistol bearing serial number 303-87127 was manufactured in either Arizona or Connecticut by Ruger. Additionally, the Smith & Wesson, Model M&P 9 Shield, 9mm caliber, semi-automatic pistol bearing serial number JDB2615 was manufactured in Connecticut and fully assembled by Smith & Wesson in Massachusetts. The D.G.F.M. (F.M.A.P.) Model Sistema Colt 1927, .45 caliber, semi-automatic pistol was manufactured in Argentina by Fabricaciones Militares Sociedad del Estado, a state-owned Argentine manufacturer.

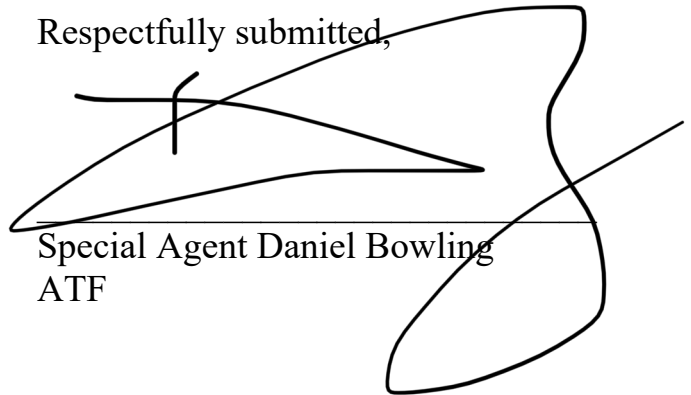
18. In 2009, TOLBERT was convicted of Conspiracy Robbery with a Dangerous Weapon (Violation of NC 14-87), in Case No. 2008CRS010042, in Catawba County, North Carolina. TOLBERT was sentenced to 25 to 39 months' incarceration. Tolbert served more than one year in prison for this conviction.

IV. Conclusion

24. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on February 9, 2021 and February 11, 2021, within the Eastern District of Michigan, Orlando Darnell TOLBERT, knowing that he was previously convicted of a crime punishable by more than one year of imprisonment, possessed firearms, in violation of 18 U.S.C. § 922(g)(1). There is also probable cause to believe that on March 12, 2021, Orlando TOLBERT, within the Eastern District of Michigan, aided and abetted the

distribution of over 50 grams of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and 18 U.S.C. § 2.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to be 'Daniel Bowling', written over a horizontal line.

Special Agent Daniel Bowling
ATF

Sworn to before me and signed in my presence and/or by reliable electronic means.

A handwritten signature in blue ink, appearing to be 'David R. Grand', written over a horizontal line.

David R. Grand
United States Magistrate Judge

Date: March 15, 2022